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DEC 20 11 10 AM '94

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December 13, 1994

Mr. Mark T. Kim, Attorney
Lawrence Noble, General Counsel
Federal Election Commission
999 E Street NW
Washington, DC 20463

Re: MUR 4012

Dear Mr. Kim:

This letter is written on behalf of Frank G. Simon, Arthur A. Cerminara and Freedom's Heritage Forum in response to the "Supplement to Original Complaint" of Maureen Keenan. Respondents object that the supplement is apparently brought for political, strategic and improper purposes as it does not give any specific reason or set of facts to support the conclusions therein.

Paragraph Numbered 36 alleges the Richard Lewis or someone acting on his behalf personally distributed the tabloid. Such conduct is not attributed to the Respondents and Respondents request that the entire paragraph be ignored or stricken. Without waiving that request, Respondents states that such conduct is lawful and requests that the paragraph be overruled or denied summarily. Without waiving that request, Respondent objects that no attempt to identify the specific individuals who allegedly distributed the flyer and that therefore it cannot be determined on whose behalf they may have been acting and that therefore the paragraph makes an irrelevant assertion. Once a flyer is published, Respondent has no control over where the flyer is distributed or who participates in its distribution. Respondent did not engage, request, facilitate or even permit Richard Lewis or any agent of his to have any involvement in the distribution of Respondent's materials.

Paragraph numbered 37 alleges that the Complainant has "knowledge or belief" that expenditures were made by Respondents "with the cooperation, prior consent, and/or [sic] in consultation with" the candidate or others acting on his behalf. This conclusion is unsupported by any statement of fact. The allegation is denied. Respondents did not at any time, personally or by agent, contact any candidate. Because the Complainant has sworn

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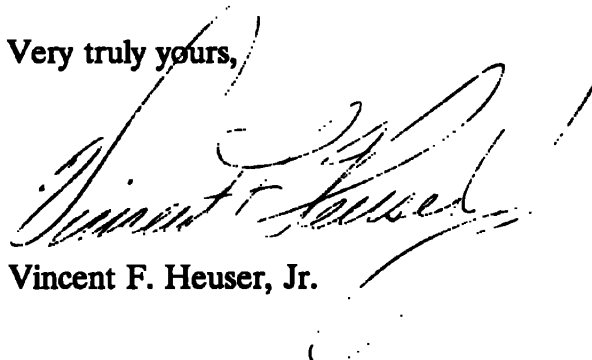
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under oath, with advice of counsel, to have some "knowledge or belief" to support the conclusion when in fact she does not, as evidenced by the failure to state the knowledge or belief in her supplement, Respondents request that criminal sanctions be imposed against Complainant under, *inter alia*, 18 U.S.C. §1001 and that any available administrative sanction be imposed against Complainant and her Counsel.

Paragraphs numbered 39 and 40 of the supplement state conclusions of law based upon the previous allegation and unsupported conclusions of fact. Respondents deny these paragraphs.

Respondents request that no action be taken on the supplement. If any further additional information is necessary or if you have any questions, please do not hesitate to contact me.

Very truly yours,



Vincent F. Heuser, Jr.

VFH/tc

cc: Frank G. Simon
Arthur A. Cerminara
Freedom's Heritage Forum
Duplicate Original via Certified Mail

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